

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ryan Christensen (Reg. #60,291) on January 22, 2010.

On the last line of claim 45, the word "information" was changed to --output signals--.

On line 2 of claim 56, the word "particles" was changed to --sperm cells--.

On line 2 of claim 57, the word "particle" was changed to --sperm cell--.

On line 2 of claim 58, the word "particles" was changed to --sperm cells--.

On line 2 of claim 62, the word "information" was changed to  
--at least one output signal- --.

Claim 64 was canceled since the limitations of claim 64 were incorporated into  
independent claim 45.

On lines 2 and 4 of claim 81, the word "particles" was changed to --sperm cells--.

On page 7, line 14 of the specification, the phrase "Fig 45 illustrates" was changed to --  
Figures 45-48 illustrate-- so as to provide a brief description for each of figures 45-48.

2. The following is an examiner's statement of reasons for allowance: Application serial no. 10/812,351 is being allowed since none of the prior art of record teaches or fairly suggests a multi-channel system for classifying and sorting sperm cells according to sex comprising a

plurality of flow cytometry units, wherein each flow cytometry unit is capable of providing sex sorted sperm cells by interrogating a stream of fluid containing sperm cells with a beam of pulsed electromagnetic radiation, at least one sensor for generating time-varying output signals indicative of a characteristic of the sperm cells, and an integrated platform shared by each of the flow cytometry units comprising both a common source of pulsed electromagnetic radiation and a common processor for receiving and processing the output signals from the one or more sensors, wherein the common processor processes the output signals in real time and sends control signals to the flow cytometry units during a sorting process to adjust a sort operation as a function of the output signals received by the common processor.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maureen M. Wallenhorst whose telephone number is 571-272-1266. The examiner can normally be reached on Monday-Thursday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vickie Kim, can be reached on 571-272-0579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Maureen M. Wallenhorst  
Primary Examiner  
Art Unit 1797

mmw

January 25, 2010

/Maureen M. Wallenhorst/

Primary Examiner, Art Unit 1797